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16 Attorneys for WAYMO LLC

17 UNITED STATES DISTRICT COURT

18 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

19 WAYMO LLC,

20 Plaintiff,

21 vs.

22 UBER TECHNOLOGIES, INC.;
23 OTTOMOTTO LLC; OTTO TRUCKING
24 LLC,

25 Defendants.

26 CASE NO. 3:17-cv-00939-WHA

27 **DECLARATION OF KEVIN SMITH**

28 **Hearing:**

Date: June 8, 2017

Time: 8:00 a.m.

Place: 8, 19th Floor

Judge: The Honorable William H. Alsup

1 I, Kevin A. Smith, hereby declare as follows.

2 1. I am a member of the bar of the State of California and a partner with Quinn
3 Emanuel Urquhart & Sullivan, LLP, counsel for Plaintiff Waymo LLC (“Waymo”). I make this
4 declaration of personal, firsthand knowledge, and if called and sworn as a witness, I could and
5 would testify competently as follows.

6 2. Attached hereto as Exhibit 1 is a true and correct copy of “Defendants’ Privilege
7 Log Associated With March 31, 2017 Production of Documents.”

8 3. Attached hereto as Exhibit 2 is a true and correct copy of an April 28, 2017 email
9 from counsel for Defendants.

10 4. Attached hereto as Exhibit 3 is a true and correct copy of an April 26, 2016 email
11 from counsel for Waymo to counsel for Mr. Anthony Levandowski.

12 5. Attached hereto as Exhibit 4 is a true and correct copy of an April 20, 2017 email
13 from counsel for Waymo to counsel for Defendants.

14 6. Attached hereto as Exhibit 5 is a true and correct copy of an April 23, 2017 letter
15 from counsel for Waymo to counsel for John Cooper.

16 7. Attached hereto as Exhibit 6 is a true and correct copy of an April 25, 2017 letter
17 from counsel for Defendants to counsel for Waymo.

18 8. Attached hereto as Exhibit 7 is a true and correct copy of a revised version of
19 “Defendants’ Privilege Log Associated With March 31, 2017 Production of Documents,” served
20 at 8:44 a.m. on May 1, 2017.

21 9. Attached hereto as Exhibit 8 is a true and correct excerpted copy of Waymo’s April
22 9, 2017 “Notice of Deposition of Kevin Faulkner and Requests for Production of Documents and
23 Things.” Waymo omitted certain portions that are not relevant to the pending motion out of an
24 abundance of caution since the omitted portions contain information considered to be confidential
25 by Defendants.

26 I declare under penalty of perjury under the laws of the State of California and the United
27 States of America that the foregoing is true and correct.

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DATED: May 1, 2017

/s/Kevin A. Smith

SIGNATURE ATTESTATION

Pursuant to Local Rule 5-1(i)(3), I attest under penalty of perjury that concurrence in the filing of this document has been obtained from Kevin Smith.

/s/ Charles K. Verhoeven
Charles K. Verhoeven